

REMARKS

Claims 36-74 and 81-84 are pending in this application, with claims 36, 47, 68 and 81-84 being independent. Claims 36, 47, 68 and 81-83 have been amended for clarity. In particular, claims 36, 47, 68 and 81-83 have been amended to clarify that the network user selects members. Claims 36 and 47 have also been amended for clarity to recite the limitations related to the user-defined lists in the same claim element. No new matter has been added.

Independent claims 36, 47, 68 and 81-84, along with their dependent claims 37-39, 43-46, 48-50, 52-55 and 70-74, have been rejected as being unpatentable over Kihara (U.S. Patent Publication No. US 2002/0010742) in view of Shultheiss (U.S. Patent No. 6,545,722)

Independent claims 36 and 47, as amended, each recite, among other features, “accessing/access two or more user-defined lists of other users for whom presence is monitored, wherein each of the user-defined lists comprises one or more buddy groups defined by the network user, each of the buddy groups comprises one or more members selected by the network user, and each of the two or more user-defined lists comprises members selected by the network user, the members comprising one or more of the other users” (emphasis added), “selecting/select an initial buddy list from among the two or more user-defined lists based upon the determined television programming,” and “displaying/display the selected initial buddy list to the network user on an instant messaging user interface, wherein the displayed buddy list comprises online presence information for the members of the selected initial buddy list” (emphasis added). Applicants request reconsideration and withdrawal of the rejection of claims 36 and 47, and their dependent claims, because neither Kihara, Shultheiss, nor any proper combination of the two describes or suggests: (1) accessing two or more user-defined lists that each include one or more buddy groups defined by the same user, each buddy group including one or more members selected by the same user; and (2) displaying an initial buddy list to the same user, the initial buddy list being selected from among the two or more user-defined lists based upon television programming and the displayed buddy list including online presence information for the members of the initial buddy list.

Kihara describes a chat system that enables a user to concurrently view and participate in any of several different chat channels. Paragraphs 0009 and 0016. The user can select a particular one of the concurrently displayed chat channels as the channel into which messages from the user will be sent. Paragraphs 0009 and 0016. Upon the user indicating a desire to transmit a message into a selected chat channel, conditions related to the transmission are applied. If a condition related to the transmission is met, the message is processed in accordance with processing associated with that condition. Paragraphs 0017-0023. If no conditions are met, the message is sent directly and without further processing to the other participants in the selected chat channel as a conventional chat message. Paragraph 0024.

For example, a condition may be "the inputted message exceeds 30 lines." If the length of the transmitted message is greater than 30 lines, this condition is met, and, rather than being sent as a conventional chat message, the message is processed by creating a web page on which is posted the message and transmitting a corresponding URL to the other participants in the chat channel. Paragraph 0031.

Another condition may be "a superior is participating in the channel." Paragraph 0118. To apply such a condition, Kihara's system requires that a user define a classification list during the registration process. Paragraph 0032 and 0033. The list is then stored in a user DB 2. Paragraph 0110. An example of such a list is shown in Fig. 3. The list includes a group of users divided into different classes (e.g., superiors, known persons, and persons to ignore). Paragraphs 0033 and 0111. When applying the condition "a superior is participating in the channel," the Kihara system accesses, from the user DB 2, the classification list of the user that is sending the message and compares the accessed classification list to a list of participants in the chat channel (as provided by the chat server and stored in a chat DB). Paragraph 0119. If a participant in the chat channel matches a user in the classification list that is in the "superiors" class, the Kihara system outputs a message confirmation window that informs the user that "A superior is participating in the channel" and prompts the user to confirm whether the message should still be sent. Paragraph 0119.

The Examiner apparently equates Kihara's classification list with the recited user-defined list and Kihara's classes included in the classification list with the recited buddy groups. Kihara, however, does not describe or suggest that each user is able to create more than one classification list. Rather, Kihara contemplates a user defining a single classification list for himself or herself. Kihara, therefore, does not describe or suggest accessing two or more user-defined lists that each include one or more buddy groups defined by the same user, much less selecting an initial buddy list from among the two or more user-defined lists, as claimed.

Moreover, Kihara does not describe or suggest that the classification list for a user is displayed to the user along with online presence information for the various names in the classification list. Rather, the classification list, as shown in Fig. 3, is used as a mechanism to determine whether to trigger additional processing for a message that a user wishes to deliver into a chat channel. At best, Kihara contemplates a user being able to perceive the participants in a given chat channel, but contrary to the Examiner's contention, the classification list itself is not displayed to the user as a buddy list that enables a user to monitor the online presence of the various names included in the list. Furthermore, the messages that Kihara describes as being displayed to the user when a condition related to the classification list is met are not lists and, moreover, merely indicate, for example, that "a superior" is within the channel or that the channel includes several "unknown participants." See, e.g., Fig. 6. Accordingly, Kihara does not describe or suggest displaying an initial buddy list to the user, the initial buddy list being selected from among two or more user-defined lists based upon television programming and the displayed buddy list including online presence information for the members of the initial buddy list.

Shultheiss describes a set top box that interfaces with a television, a personal computer, and the Internet. Shultheis does not remedy the failure of Kihara to describe or suggest the features described above.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claims 36 and 47, and their dependent claims 37-39, 43-46, 48-50 and 52-55.

Independent claim 68, as amended, recites, among other features, “receiving user definition of a first buddy list” (emphasis added), “receiving user definition of a second buddy list” (emphasis added), “wherein each of the first buddy list and the second buddy list comprises one or more buddy groups defined by the network user and the members are grouped into the buddy groups by the network user”, “triggering, based on the received user input, selection of a buddy list among the first buddy list and the second buddy list”, and “displaying the selected buddy list to the network user on an instant messaging user interface, wherein the displayed buddy list comprises online presence information for the members of the selected buddy list” (emphasis added). For at least the reasons described above, applicants request reconsideration and withdrawal of the rejection of claim 68 and its dependent claims 70-74 because neither Kihara, Shultheiss, nor any proper combination of the two describes or suggests: (1) receiving two buddy list user-definitions from the same user defining two buddy lists that each include one or more buddy groups, each buddy group including one or more members selected by the same user; and (2) displaying a buddy list to the same user, the buddy list being selected from among the two buddy lists and the buddy list including online presence information of the members in the buddy list.

Independent claims 81 and 82, as amended, each recite, among other features “accessing/access two or more user-defined lists of other users for whom presence is monitored” (emphasis added), “selecting/select an initial buddy list from among the two or more user-defined lists based upon the determined television programming”, and “displaying/display the selected initial buddy list to the network user on an instant messaging user interface, wherein the displayed buddy list comprises online presence information for the members of the selected initial buddy list” (emphasis added). For at least the reasons described above, applicants request reconsideration and withdrawal of the rejection of claims 81 and 82 because neither Kihara, Shultheiss, nor any proper combination of the two describes or suggests displaying an initial buddy list to a user, the initial buddy list being selected from among the two or more user-defined lists based upon television programming and the initial buddy list including online presence information of the members in the buddy list.

Independent claim 83, as amended, recites, among other features, “receiving user definition of a first buddy list” (emphasis added), “receiving user definition of a second buddy list” (emphasis added), “triggering, based on the received user input, selection of a buddy list among the first buddy list and the second buddy list”, and “displaying the selected buddy list to the network user on an instant messaging user interface, wherein the displayed buddy list comprises online presence information for the members of the selected buddy list” (emphasis added). For at least the reasons described above, applicants request reconsideration and withdrawal of the rejection of claim 83 because neither Kihara, Shultheiss, nor any proper combination of the two describes or suggests displaying a buddy list to a user, the buddy list being selected from among two buddy lists defined by the user and the buddy list including online presence information of the members in the buddy list.

Independent claim 84 recites, among other features “accessing two or more lists of online identities for which online presence is monitored, the online identities being selected by the network user” (emphasis added), “selecting a list from among the two or more lists based upon the determined television programming”, “displaying the selected list to the network user on an instant messaging user interface, wherein the selected and displayed list comprises online presence information for the online identities included within the selected and displayed list”, and “wherein each of the lists comprises one or more groups that each include one or more online identities selected by the network user.” For at least the reasons described above, applicants request reconsideration and withdrawal of the rejection of claim 84 because neither Kihara, Shultheiss, nor any proper combination of the two describes or suggests: (1) accessing two or more lists of online identities selected by the same user, each list including one or more groups that each include one or more online identities selected by the same user; and (2) displaying a list to the same user, the list being selected from among the two or more lists of online identities selected by the same user based upon television programming and the list including online presence information for the online identities included within the list.

Claims 40-42 and 51, which depend from independent claims 36 and 47, have been rejected as being unpatentable over Kihara in view of Shultheiss and Schindler (U.S. Patent No.

6,018,830). Shindler does not remedy the deficiencies described above with respect to claims 36 and 47. Therefore, for at least the above reasons and the reasons set forth in applicants reply to the Office Action of May 7, 2004 (hereby incorporated by reference), applicants request reconsideration and withdrawal of the rejection of claims 40-42 and 51.

Claims 56-67 and 69, which depend from independent claims 36, 47 and 68, have been rejected as being unpatentable over Kihara in view of Shultheiss and Aravamudan (U.S. Patent No. 6,018,830). Aravamudan does not remedy the deficiencies described above with respect to claims 36, 47 and 68. Therefore, for at least the above reasons and the reasons set forth in applicants reply to the Office Action of May 7, 2004 (hereby incorporated by reference), applicants request reconsideration and withdrawal of the rejection of claims 56-67 and 69.

Applicants submit that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The fee in the amount of \$120 in payment for the Petition for One-Month Extension of Time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

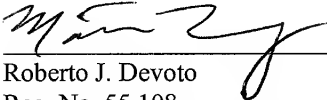
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Serial No. : 09/475,391
Filed : December 30, 1999
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Attorney's Docket No.: 06975-048001 / AOLTIV 07

Respectfully submitted,

Date: July 13, 2006

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